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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 Miesha Earley,
10 Plaintiff
11 v.
12 Julio Fernandez et al.,
13 Defendants

Case No.: 2:13-cv-01047-JAD-VCF

**Order Granting Motion
for Remand of Action to
State Court [Doc. 18]**

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15 Before the Court is Plaintiff Miesha Earley's Motion for Remand of Action to State Court
16 based on the addition of two defendants, Julio Fernandez and Roberto Gonzales Couso, whom
17 Plaintiff maintains are Nevada residents and whose presence in this suit therefore destroys diversity
18 of citizenship. Doc. 18 at 2. Defendant Geico Casualty Company responded. Doc. 19. It "does not
19 oppose Plaintiff's Motion to Remand based upon the lack of subject matter jurisdiction, if the parties
20 joined are Nevada citizens." *Id.* at 1–2.

21 The party seeking to remand "bears the burden of proof on the issue of diversity." *Weber v.*
22 *Metro. Life Ins. Co.*, 554 F. Supp. 553, 554 (D. Nev. 1982) (citing *Carson v. Dunham*, 121 U.S. 421,
23 425–26 (1887); *Goldberg v. CPC Int'l, Inc.*, 495 F. Supp. 233, 236 (N.D. Cal. 1980)). Plaintiff
24 specifically names new defendants in the Amended Complaint, Doc. 10 at 1–2, and asserts that these
25 new defendants are Nevada residents. Geico does not challenge that assertion.

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1 It is therefore **ORDERED** that Plaintiff's Motion for Remand of Action to State Court [Doc.
2 **18**] is **GRANTED**. This cause is accordingly remanded to the Eighth Judicial District Court of the
3 State of Nevada, in and for Clark County.

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5 DATED October 9, 2013.

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8 JENNIFER A. DORSEY
9 UNITED STATES DISTRICT JUDGE

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